

"Metandren Linquets \* \* \* Each Linquet contains 10 mg. of Metandren (methyltestosterone U. S. P. XIII)."

**ALLEGED VIOLATION:** On or about January 20, 24, and 26, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused quantities of the drugs to be removed from the containers in which they had been shipped, to be repacked, and to be sold to various persons without a prescription, which acts by the defendant resulted in the repackaged drugs being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (1), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), they bore no label containing an accurate statement of the quantity of the contents; Section 502 (e) (1), they were not designated solely by a name recognized in an official compendium, and their labels failed to bear the common or usual names of the drugs; and, Section 502 (f) (1), they bore no labeling containing directions for use.

Further misbranding, Section 502 (d), the repackaged *seconal sodium capsules* and the repackaged *pentobarbital sodium capsules* were drugs for use by man and contained chemical derivatives of barbituric acid, which derivatives had been by the Administrator of the Federal Security Agency, after investigation, found to be, and by regulations designated as, habit forming; and the labels of the repackaged drugs failed to bear the name, and quantity or proportion of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming."

**DISPOSITION:** March 17, 1950. A plea of guilty having been entered, the court imposed a fine of \$500.

3085. Misbranding of *seconal sodium capsules*, *pentobarbital sodium capsules*, *phenobarbital tablets*, *thyroid tablets*, and *sulfadiazine tablets*. U. S. v. Homer McCracken (McCracken Drug Store). Motions overruled to suppress evidence and to dismiss information. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 25605. Sample Nos. 26963-K, 27744-K, 27770-K, 27771-K, 27819-K.)

**INFORMATION FILED:** March 10, 1949, Eastern District of Missouri, against Homer McCracken, trading as the McCracken Drug Store, St. Louis, Mo.

**INTERSTATE SHIPMENT:** Between September 26, 1947, and May 14, 1948, from the States of Indiana, New York, and Illinois, into the State of Missouri, of quantities of *seconal sodium capsules*, *pentobarbital sodium capsules*, *phenobarbital tablets*, *thyroid tablets*, and *sulfadiazine tablets*.

**ALLEGED VIOLATION:** Between May 26 and June 29, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused a number of the tablets and capsules to be removed from the bottles in which they had been shipped, to be repacked into boxes, and to be sold to various persons without a prescription, which acts of the defendant resulted in the capsules and tablets being misbranded.

**NATURE OF CHARGE:** Misbranding, Sections 502 (b) (1) and (b) (2), the repackaged drugs bore no label containing the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the repackaged *seconal sodium capsules*, *pentobarbital sodium capsules*, and *phenobarbital tablets* were drugs for use by man and contained chemical derivatives of barbituric acid, which

derivatives had been by the Administrator of the Federal Security Agency, found to be, and by regulations designed as, habit forming; and the labels of the tablets and capsules failed to bear the name, and quantity or proportion of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use since the directions for use "Directions one at bed time," on the labeling of the *seconal sodium capsules*, "Directions As directed," on the labeling of the *pentobarbital sodium capsules*, and "Two every 3½ to 4 hours," on the labeling of the *sulfadiazine tablets*, were not adequate directions for use, and since the labeling of the *phenobarbital tablets* and the *thyroid tablets* bore no directions for use; and, Section 502 (f) (2), the labeling of the repackaged *sulfadiazine tablets* bore no labeling containing warnings against use in those pathological conditions where its use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

**DISPOSITION:** A motion to suppress evidence and a motion to dismiss the information were filed on behalf of the defendant; and on January 24, 1950, after consideration of the arguments and briefs of counsel, the court entered an order overruling the motions. On March 20, 1950, upon a plea of *nolo contendere* by the defendant, the court imposed a fine of \$1,000. On April 4, 1950, an order was entered amending the sentence to fix the fine at \$500 in lieu of the \$1,000 fine previously imposed.

**3086. Misbranding of Parr's Golden-Ray Oil and Parr's Inhalers. U. S. v. 450 Bottles, etc. (F. D. C. No. 28739. Sample Nos. 52694-K, 52698-K.)**

**LABEL FILED:** February 24, 1950, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about December 1, 1949, by the Cel-Ton-Se Medicine Co., from Cincinnati, Ohio.

**PRODUCT:** 450 bottles of *Parr's Golden-Ray Oil* and 143 *Parr's Inhalers* at Louisville, Ky., in possession of Thomas C. Williamson.

Examination showed that *Parr's Golden-Ray Oil* had essentially the composition stated on its label, and that the inhalers consisted of glass tubes, each containing a wad of cotton held in place by a perforated stopper.

**LABEL, IN PART:** "Parr's Golden-Ray Oil Relieve Symptoms of Colds by inhaling \* \* \* For Coughs And Colds \* \* \* For Stiff Joints And Sore Muscles \* \* \* Active Ingredients Eucalyptus Oil, Menthol, Peppermint Oil, Thymol, Camphor" and "Parr's Inhaler Directions: \* \* \* Parr's Golden-Ray Oil is non-toxic and harmless. Add more Oil to Inhaler twice weekly. The House Of Parr 333 Genessee St. Cincinnati 2, Ohio."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the statements in the labeling of the articles, namely, "For coughs and colds" and "For stiff joints and sore muscles," were false and misleading since the articles when used as directed were not an adequate and effective treatment for such conditions. The articles were misbranded in the above respects when introduced into, and while in, interstate commerce.

Further misbranding, Section 502 (a), certain statements in the accompanying labeling of the articles, namely, on a placard entitled "Do You Suffer from Headache" and on a circular entitled "Cold Sufferers," were false and misleading since such statements represented and suggested that the articles when used as directed were an adequate and effective treatment for headaches, colds,